

Remarks

Claims 1-20 are pending in the application. Claims 1-17, 19 and 20 were rejected and claim 18 was objected to. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. § 102

Claims 1-3, 6-15, 17, 19 and 20 were rejected under § 102(b) as being anticipated by U.S. Patent No. 6,685,262 issued to Tiesler et al. (hereinafter "Tiesler '262"). Applicants respectfully believe that a *prima facie* case has not been established for the following reasons.

Claims 1 and 15 require a flexible air duct that "inflates when air is provided through the inlet and at least partially deflates when air is not provided through the inlet." Tiesler '262 provides absolutely no disclosure of a flexible air duct that inflates when air is provided an inlet and at least partially deflates when air is not provided through the inlet. In the Office Action, the Examiner stated that air duct opening 8 was an inlet (see Office Action, page 2). However, Tiesler '262 merely discloses that air duct opening 8 is "for connecting to the heating and air conditioning (HVAC) system of a vehicle" (column 6, lines 14-16). Moreover, Tiesler '262 teaches away from a flexible air duct that inflates and at least partially deflates in response to presence or absence of air provided through the inlet. Specifically, Tiesler '262 states:

"It is understood that the duct liner 4 has the air passage opening 7 maintained in a permanent fashion by the adherence of the duct liner 4 to the foam 5." (column 6, lines 17-19, emphasis added).

Consequently, it is illogical to conclude that the permanent air passage opening disclosed in Tiesler '262 could possibly inflate or deflate since it is permanently maintained by

adherence of the duct liner to the foam. Consequently, a *prima facie* case has not been established and applicants request that the rejection of claims 1 and 15 be withdrawn.

Claim 15 also requires “a flexible insulation layer for providing acoustic insulation.” Tiesler ‘262 does not disclose or even remotely suggest any layer that provides acoustic insulation. Consequently, a *prima facie* case has not been established and applicants request that the rejection of 15 be withdrawn.

Claim 10 requires “a speaker disposed in the plurality of material layers.” Tiesler ‘262 provides absolutely no disclosure of a speaker, let alone a speaker disposed in a plurality of material layers as required by claim 10. Claim 10 also requires a flexible air duct that is “configured to inhibit resonance in response to an audio signal from the speaker.” Again, Tiesler ‘262 provides absolutely no disclosure of a speaker, let alone a flexible air duct that inhibits resonance in response to an audio signal from a speaker as required by claim 10. Consequently, a *prima facie* case has not been established and applicants request that this rejection be withdrawn.

Even if a proper rejection could be established for independent claims 1, 10 and 15, a *prima facie* case has not been established for claims 2, 6-8, 11, 12, 14, 19 and 20 for the following reasons.

The Examiner improperly ignored claim language in claim 2. Claim 2 recites a flexible air duct that includes a first flexible layer that inhibits air leakage and a second flexible layer that is “partially compressed to increase density of the second flexible layer and to maintain a desired shape when air is not provided through the inlet.” Tiesler ‘262 does not disclose a flexible air duct having a second flexible layer that is partially compressed to increase density of the second flexible layer to maintain a desired shape when air is not provided through the inlet. Instead, Tiesler ‘262 merely discloses a foam polyurethane that “is allowed to foam ... and seal the air duct liner 4 in place” (column 6,

lines 35-37). As such, there is absolutely no disclosure of a partially compressed second flexible layer as required by claim 2. Consequently, the rejection of claim 2 is improper.

The Examiner improperly ignored claim language in claim 6. Claim 6 recites “a support member for supporting a section of the flexible air duct when the flexible air duct is at least partially deflated.” Tiesler ‘262 provides absolutely no disclosure of a support member as claimed. In the Office Action, the Examiner generically pointed to Figure 1 of Tiesler ‘262 for support (see Office Action, page 3). Figure 1 shows reference numbers 1-8, which the Examiner previously defined to support the rejection of claim 1 (see Office Action, page 2). More specifically, the Examiner defined all the elements in Figure 1 and her definition did not include a support member. Indeed, the Examiner has been unable to point to any specific element or part of Figure 1 as being a support member. Moreover, if any of reference numbers 1-8 designate a support member, then the Examiner’s rejection of claim 1 cannot be maintained. Consequently, the rejection of claim 6 is improper.

The Examiner improperly ignored claim language in claim 7. Claim 7 recites a flexible air duct that is “attached to the first surface by an adhesive.” The Examiner failed to provide any reference that discloses a flexible air duct that is attached by an adhesive. Indeed, Tiesler ‘262 teaches away from the use of an adhesive since it recites that “foam surrounding the inflatable air duct liner 4” is used for “attaching said inflatable air duct liner 4 permanently to the foam 5 and the headliner 1” (column 4, lines 53-55). Consequently, the rejection of claim 7 is improper.

The Examiner improperly ignored claim language in claim 8. Claim 8 recites a flexible air duct that is “attached to the first surface by vibration welding.” The Examiner failed to provide any reference that discloses a flexible air duct that is attached by vibration welding. Indeed, Tiesler ‘262 teaches away from vibration welding since it recites that “foam surrounding the inflatable air duct liner 4” is used for “attaching said

inflatable air duct liner 4 permanently to the foam 5 and the headliner 1” (column 4, lines 53-55). Consequently, the rejection of claim 8 is improper.

The Examiner improperly ignored claim language in claim 11. Claim 11 recites a flexible air duct that is “partially deflated when pressurized air is not provided through the inlet.” As discussed above, Tiesler ‘262 teaches away from a flexible air duct that is partially deflated when pressurized air is not provided through the inlet (see discussion of claims 1 and 15 above). As such, Tiesler ‘262 provides absolutely no disclosure of a flexible air duct that is at least partially deflated as required by claim 11. Consequently, the rejection of claim 11 is improper.

The Examiner improperly ignored claim language in claim 12. Claim 12 recites a flexible air duct that “inhibits noise transmission when deflated.” The Examiner failed to provide any reference that discloses a flexible air duct that inhibits noise transmission when deflated. Indeed, Tiesler ‘262 provides absolutely no disclosure noise transmission, let alone a flexible air duct that inhibits noise transmission when deflated as required by claim 12. Consequently, the rejection of claim 12 is improper.

The Examiner improperly ignored claim language in claim 14. Claim 14 recites a second layer that is “partially compressed to retain a predetermined shape.” The Examiner failed to provide any reference that discloses a second layer that is partially compressed to retain a predetermined shape. Indeed, Tiesler ‘262 provides absolutely no disclosure of any layer that is partially compressed, let alone a second layer that is partially compressed to retain a predetermined shape as required by claim 14. Consequently, the rejection of claim 14 is improper.

The Examiner improperly ignored claim language in claim 19. Claim 19 recites a flexible insulation layer that “is partially compressed to retain a shape in an area adjacent to the flexible air duct.” The Examiner failed to provide any reference that discloses a flexible insulation layer that is partially compressed to retain a shape in an area

adjacent to a flexible air duct. Indeed, Tiesler '262 provides absolutely no disclosure of any layer that is partially compressed, let alone a flexible insulation layer that is partially compressed to retain a shape in an area adjacent to a flexible air duct as required by claim 19. Consequently, the rejection of claim 19 is improper.

The Examiner improperly ignored claim language in claim 20. Claim 20 recites a "a speaker disposed in the headliner body wherein the flexible body does not resonate in response to an audio signal from the speaker." Tiesler '262 provides absolutely no disclosure of a speaker, let alone a flexible body that does not resonate in response to an audio signal from a speaker as required by claim 20. Consequently, the rejection of claim 20 is improper.

For these reasons, applicants believe that a *prima facie* case has not been established for the rejection of claims 1-3, 6-15, 17, 19 and 20. Applicants respectfully request that the rejection of these claims be withdrawn.

Rejection Under 35 U.S.C. § 103

Claims 4 and 5 were rejected under § 103(a) as being unpatentable over Tiesler '262. Claims 4 and 5 depend on claim 1. As a result, these claims are believed to be allowable for the reasons previously discussed.

Even if a proper rejection could be established for the rejection of claim 1, a *prima facie* case has not been established for the rejection of claims 4 and 5. Claim 4 recites a second flexible layer that is "a lofted polyester material" while claim 5 recites a second flexible layer that is "a woven material." Tiesler '262 does not disclose or even remotely suggest a second flexible layer that is either a lofted polyester material or a woven material. Instead, Tiesler '262 discloses a foam that is "an appropriate foam polyurethane" (column 6, lines 35-36). Consequently, the Examiner has not maintained her burden of establishing a *prima facie* case and applicants request that this rejection be withdrawn.

Claim 16 was rejected under § 103(a) as being unpatentable over Tiesler '262 in view of U.S. Published Patent Application No. US 2003/0096129 to Kojima (hereinafter "Kojima '129"). Claim 16 depends on claim 15. As a result, this claim is believed to be allowable for the same reasons as claim 15 as discussed above.

Even if a proper rejection could be established for the rejection of claim 15, a *prima facie* case has not been established for the rejection of claim 16. The Examiner improperly ignored claim language in claim 16. Claim 16 recites a flexible insulation layer that "covers substantially all of the first surface of the headliner body." The Examiner admitted that Tiesler '262 does not disclose a headliner assembly that cover substantially all of a headliner body (see Office Action, page 6). Kojima '129 does not cure the deficiencies of Tiesler '262. Instead, Kojima '129 discloses "an air duct 8 of a resin molded or formed product ... arranged to be closely contacted (adhered) to a rear member such as ceiling member 9" (page 2, paragraph 0028). The air duct is a "laminated member of a three-layer complex plastic sheet material and the back treating material" (page 5, paragraph 0065). The laminated member is "cut to such as size as one appropriate for the molding or forming member for an automobile air duct" (page 6, paragraph 0066). As such, the air duct in Kojima '129 cut to size and does not include a flexible insulation layer that covers substantially all of a headliner body. Kojima '129 also discloses that the air duct shown in Figures 5 and 6 is "arranged at the rear side position of the air blowing-out port 10 of the automobile ceiling member 9 in such a way that a part 11 corresponding to the air blowing-out port may be overlapped there" (page 6, paragraph 0068). As such, the corner parts 11 of the air duct are aligned with the blowing-out ports 10. Since the blowing-out ports are located near the center of the ceiling member 9, the cut-to-size air duct cannot possibly extend across substantially all the headliner body (compare Figures 5 and 6 to Figure 7). As such, Figures 5-7, which the Examiner cited as the only support in Kojima '129 for the rejection, do not support the Examiner's position. Consequently, the rejection of claim 16 is improper and applicants request that it be withdrawn.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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